

2010 FEB -8 PM 1:39

BY MR
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PINAL

In Re: Revocation of the)	
Pinal County Ordinance #91097-PS)	ADMINISTRATIVE ORDER
(the "Prosecution Fee" ordinance))	
)	NO. 2010-00 <u>57</u>
)	
)	

WHEREAS a *Mandate* has issued from the Court of Appeals, Division II, in *State of Arizona v. Payne*, 2 CA-CR 2008-0166, dated January 29, 2010, which rules that *Pinal County Ordinance #91097-PS* (the "Prosecution Fee" ordinance) is statutorily unauthorized and invalid; and,

WHEREAS the Presiding Judge has administrative authority over the Judicial Branch of government in Pinal County;

IT IS HEREBY ORDERED as follows:

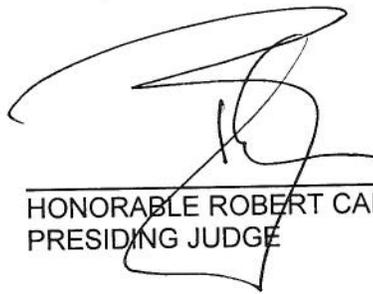
- (1) Any previously ordered "Prosecution Fee" is vacated, both in Superior Court and Justice Courts¹;
- (2) Any payments of "Prosecution Fees" received by the Clerk of the Superior Court or a Justice Court after July 31, 2009 (i.e. within 180 days notice-of-claims period), shall be promptly reallocated as follows:
 - (A) Against other court financial obligation in the subject case, in accordance with the priority-of-payments ordered by the trial court;
 - (B) Against other court financial obligation in the subject case, in accordance with the priority-of-payments per court rule;
 - (C) Against other court financial obligations in other cases; and,
 - (D) Any excess, as a refund to the payer.

¹ The Prosecution Fee is also vacated in any adult diversion cases supervised by the Pinal County Attorney, which shall be reallocated as set forth in this Order. This Order, however, does not impact any diversion fees that are based on other lawful authority, such as juvenile diversion or bad check diversion fees.

- (3) Any "Prosecution Fees" that that are reallocated but have already been distributed to Pinal County, shall be promptly credited to the appropriate court by the Pinal County Treasurer for reallocation, as set forth above;
- (4) Any claim for amounts paid on or before July 31, 2009, must be served upon Pinal county, as required under the notice-of-claims statute (the Presiding Judge makes no determination as to whether or not such claims are time-barred);
- (5) The scope of work of Court-Appointed counsel, including the Public Defender, is clarified to not include any civil recovery or other actions to recover amounts that were paid more than 180 days prior to the *Mandate*. Further, Court-Appointed counsel may rely on the Clerk of the Court and Justice Courts to research their records of payments after July 31, 2009, and rely that such courts shall thereafter take the appropriate actions; and,
- (6) Court Administration shall cause this Administrative Order to be posted in the Superior Court and Justice Courts, distributed to the Pinal County Bar Association, and issued as a press release to media outlets.

This Administrative Order is effective immediately.

DATED this 8th day of February, 2010.



HONORABLE ROBERT CARTER OLSON
PRESIDING JUDGE

Original filed with: The Clerk of the Superior Court
Copies to: Superior Court Judges
Justices of the Peace
Kristi Youtsey Ruiz, Clerk of the Superior Court
James Walsh, County Attorney
Mary Wisdom, Public Defender
Pinal County Bar Association
Mary Jane Dameron, Director (County Attorney's Office)
Stephanie Jordan, Deputy Court Administrator